f

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,799	08/28/2001	David Charlton	1487.0300000/DKSC/JDS	2885

26111	7590	09/16/2005

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
DIXON, THOMAS A

ART UNIT	PAPER NUMBER
3639	

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _05 March 2002_.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-33_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-33_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _3/5/02_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. ____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   The disclosure is objected to because of the following informalities:

the disclosure is objected to because it contains an embedded hyperlink and/or

other form of browser-executable code (see pg 1, line 6; pg 6, line 8). Applicant is

required to delete the embedded hyperlink and/or other form of browser-executable

code. See MPEP § 608.01.

    Appropriate correction is required.

2.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

Claim Objections

3.   Claim 28 is objected to because of the following informalities:

The phrase "to any one of claim 15" is confusing.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 13, 21 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

    As per Claim 13, it is unclear if the "remote server" of line 10 is the same server
as introduced in claim 1 or a second server.
    As per Claim 21, the phrase "as claimed in claim 2, wherein the reservation
rules" lacks antecedent basis.

Claim Interpretation

5.   Claims directed to an Apparatus must be distinguished from the prior art in terms

of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531

(CCPA 1959).

A claim containing a "recitation with respect to the manner in which a claimed

apparatus is intended to be employed does not differentiate the claimed apparatus from

a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the

claim. *Ex parte Masham*, 2 USPQ2d 1657 (bd Pat. App. & Inter. 1987).

The structural limitations of claim 30, including a server, a terminal. a network,

and a display, are disclosed in Jafri et al as described herein.

Also as described the limitations of the claim do not distinguish the claimed

apparatus from the prior art.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed
publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

6.   Claims 1-2 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by

Travelocity.

As per Claim 1.
Travelocity's internet web page discloses a reservation network interface for
receiving as input at a terminal a request for reservation information including one or
more reservation criteria, see (Leaving from:, Going to:, Depart:, Return);
transmitting said request over the network to a remote server, see (Go!);
receiving from the remote server a set of reservation data selected according to
said one or more reservation criteria, see (show me the best roundtrip fares for:);
receiving as input at the terminal a selection request, (Go!);

selecting for display a subset of reservation data from said set of reservation data in accordance with the selection request, see (show me the best roundtrip fares for:);

displaying said subset of reservation data at the terminal, see (show me the best roundtrip fares for:).

As per Claim 2.

Travelocity further discloses the criteria specifies a date range and the set of reservation data relates to said date range, see (either Depart:/Return: or Vacation Finder "Any Month").

7.   Claims 1-33 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by

Jafri et al (5,832,454).

As per Claim 1.

Jafri et al ('454) discloses:

receiving as input at a terminal a request for reservation information including one or more reservation criteria, see figure 4A (S43);

transmitting said request over the network to a remote server, see (S47);

receiving from the remote server a set of reservation data selected according to said one or more reservation criteria, see (S411);

selecting for display a subset of reservation data from said set of reservation data in accordance with the selection request, see (S413);

displaying said subset of reservation data at the terminal, see (S415).

As per Claim 2.

Jafri et al ('454) further discloses the criteria specifies a date range and the set of reservation data relates to said date range, see figure 4B (S425).

As per Claim 3.

Jafri et al ('454) further discloses said one or more reservation criteria includes a first date range and a second date range and the set of reservation data relates to said first and second date ranges, see Figure 3 (inputs and outputs for segments 1,2, and 3).

As per Claim 4.

Jafri et al ('454) further discloses the selection request indicates a date within the first date range and the selecting step includes selecting, as said subset of reservation data, reservation data relating to a plurality of dates within said second date range, dependent on the indicated date within the first date range, see column 4, line 53 – column 5, line 40.

As per Claim 5.

Jafri et al ('454) further discloses receiving as input at the terminal a further selection request indicating one of said plurality of dates within said second range, see column 5, lines 22-30.

As per Claim 6.
Jafri et al ('454) further discloses submitting to the remote server a reservation request specifying the dates indicated by said selection requests, see column 19-21.

As per Claim 7.
Jafri et al ('454) further discloses a plurality of reservation types and the set of reservation data relates to each of said plurality of reservation types, see column 5, lines 5-10.

As per Claim 8.
Jafri et al ('454) further discloses the request indicates a subset of said plurality of reservation types and said subset of reservation data relates to said subset of reservation types, see column 5, line 18-21.

As per Claim 9.
Jafri et al ('454) further discloses the set of reservation data includes price information relating to each reservation and said selection request causes selection of said subset of reservation data according to said price information, see column 5, line 4.

As per Claim 10.
Jafri et al ('454) further discloses the one or more reservation criteria specifies a date range and the set of reservation data relates to said date range and said subset of reservation data is selected to comprise the lowest price reservation for each day within the date range, see column 4, line 53 – column 5, line 40.

As per Claim 11.
Jafri et al ('454) further discloses said one or more reservation criteria includes a first date range and a second date range and the set of reservation data relates to said first and second date ranges and said subset of reservation data is selected to comprise the lowest price reservation for each day within the date range, see column 4, line 53 – column 5, line 40.

As per Claim 12.
Jafri et al ('454) further discloses the selection request indicates a date within the first date range and the selecting step includes selecting, as said subset of reservation data, reservation data relating to a plurality of dates within the second date range, dependent on the indicated date within the first date range and said plurality of dates are selected according to a selection rule dependent on said subset of reservation types, see column 5, lines 1-21.

As per Claim 13.

Jafri et al ('454) further discloses receiving as input at the terminal a further request for reservation information including one or more further reservation criteria, see column 4, line 53 – column 5, line 40;

transmitting said further request over the network to a remote server, see column 4, line 53 – column 5, line 40;

receiving from the remote server a further set of reservation data dependent on said one or more further reservation criteria, see column 4, line 53 – column 5, line 40;

selecting for display a further subset of reservation data from said set of further reservation data in accordance with said selection request, see column 4, line 53 – column 5, line 40;

displaying said further subset of reservation data at the terminal, see column 4, line 53 – column 5, line 40.

As per Claim 14.

Jafri et al ('454) further discloses one or more reservation criteria specifies a date range and the set of reservation data relates to said date range and said further reservation criteria includes a further date range and the further set of reservation data relates to said further date range, see column 4, line 53 – column 5, line 40.

As per Claim 15.

Jafri et al ('454) discloses:

storing reservation availability records for ranges, see figure 2 (database);

storing reservation rules relating to combinations of one or more reservable items from said first range and one or more reservable items from said second range, see (special service codes, algorithm)

receiving as input a selection of one or more items from one of the first and second ranges, see figure 4A (S43);

determining amended availability information for the items in the other one of the first and second ranges on the basis of said selection and said reservation rules, see (S413);

displaying said amended availability information, see (S415).

As per Claim 16.

Jafri et al ('454) further discloses displaying availability information derived from said reservation availability records for said first and second ranges, prior to receiving said selection as input, see column 3, lines 26-28.

As per Claim 17.

Jafri et al ('454) further discloses said reservation availability records are stored locally, see column 3, lines 36-42.

As per Claim 18.

Jafri et al ('454) further discloses said reservation availability records are stored locally, see column 3, lines 36-42.

As per Claim 19.
Jafri et al ('454) further discloses reservation availability records include an array of availability data, the position within the array indicating the position within the respective range, see column 4, lines 59-63.

As per Claim 20.
Jafri et al ('454) further discloses said reservation rules are stored locally, see column 1, lines 45-61 and figure 2 (user profiles on client).

As per Claim 21.
Jafri et al ('454) further discloses reservation rules are stored as an array of data, each data value within the array indicating an item from the second range, the position of each data value indicating a corresponding item from the first range, see column 5, lines 2-40.

As per Claim 22.
Jafri et al ('454) discloses:
obtaining availability information for each of said set of items, and encoding said availability information as data within an array, the position of the data within the array indicating the item to which that data relates, see column 3, line 53 – column 4, line 40 and figure 3.

As per Claim 23.
Jafri et al ('454) further discloses said items include a plurality of subitems, the availability information including information relating to each of said subitems, and the data for each item indicating availability if there is availability for any of the subitems included within that item, see column 5, lines 4-10.

As per Claim 24.
Jafri et al ('454) discloses:
receiving and displaying reservation availability information for a set of items within a range, including receiving a data array including availability data for each of said items, see figure 3 (B);
displaying the availability for each of said items, associated with a value within said range derived from the position of the availability data within the array, see column 4, lines 49-63.

As per Claim 25, 26.
Jafri et al ('454) further discloses a set of availability records, see figure 3 (B, E, H).

As per Claim 27-29.
Jafri et al ('454) further discloses a computer program executed at said terminal, see column 1, lines 45-61.

As per Claim 30.
Jafri et al ('454) discloses:
a server, see figure 2 (SERVER);
a terminal, see (CLIENT);
a network, see figure 1 (local area network and connection to CRS);
a display, see figure 1 (PC).

As per Claims 31-33.
As described the limitations of the claim do not distinguish the claimed apparatus from the prior art because no further structure is recited.

Prior Art Made of Record

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

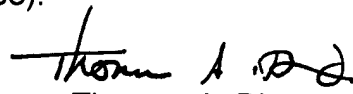DeMarcken (WO 00/46715) is the closest foreign art.
Expedia and Travelocity web pages are the closest non-patent literature.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thomas A. Dixon whose telephone number is (571)

272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Dixon
Primary Examiner
Art Unit 3639

September 05